

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

BRIDLE et al.

U.S. Serial No10/526,714

(A National filing from PCT/AU2003/001099  
Int. filing date: 26 August 2003  
Priority date: 4 September 2002)  
WO 99/53974

For: CONVERSION OF SLUDGES AND CARBONACEOUS MATERIALS

PETITION UNDER 37 C.F.R. § 1.181(a))

Box PCT  
Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Applicants hereby petition to withdraw the holding of abandonment mailed June 6, 2002, based on the following facts:

- The present application was filed as a National Stage Application in the United States on March 3, 2005.
- On July 22, 2005, the United States Patent Office mailed a Notification of Missing Requirements Under 35 U.S.C. § 371 stating the Oath or Declaration did not list all inventors.
- On September 19, 2005, and in response to the Notification of Missing Requirements, the undersigned attorney filed an executed declaration of inventor Bridle and filed a Petition under 37 C.F.R. § 1.47(a) requesting waiver of the requirement that inventor Skrypski-Mantele sign the declaration.
- On January 19, 2006, the United States Patent Office Dismissed the Petition under 37 C.F.R. § 1.47(a) without prejudice granting applicants until March 19, 2006, to file a grantable petition. Such response date was

extendable Until August 19, 2006, with a petition and fee for an extension of time.

- In response to the petition, another package of material was sent to inventor Skrypski-Mantele requesting he sign and return the declaration by a date certain. Inventor Skrypski-Mantele retained separate counsel in this matter.
- Ms. Michelle S. Glasky, registration number 54,124, on behalf of inventor Skrypski-Mantele caused to be deposited with the United States Postal Office an Express Mail Package identified by tracking number EV729188638US on August 18, 2006. Said package contained the attached transmittal letter and signed declaration of inventor Skrypski-Mantele. The transmittal letter further provided authorization for the office to charge any necessary extensions of time to Deposit account no. 50-3207. A copy of the express mail receipt, stamped post card, signed declaration, and transmittal letter with an authorization to charge deposit account 50-3207 is attached at exhibit 1 hereto.
- On October 17, 2006, the United States Patent Office issued a decision on petition ABANDONING the present application because the file did not contain the signed declaration other than the facsimile copy provided by the undersigned on August 23, 2006.
- As evidenced by the exhibit attached hereto, it is confirmed and demonstrated that inventor Skrypski-Mantele filed the required declaration and extension of time within the allowable timeframe.

Based on the above facts, the applicants and their attorney respectfully request the withdrawal of the finding of abandonment, acceptance of the filed declarations, and prosecution of the patent application on the merits.

No fee is believed to be due for this petition, however, if a fee is due, please charge Deposit Account No. 08-2623 for any additional fees that may be required for consideration of this petition. One additional copy of this petition, without attachments, is attached.

If anyone in the U.S. Patent and Trademark Office wishes to discuss any aspect of this petition, they should call the undersigned attorney at 303-295-8170.

Signed at Denver, Colorado, this 6 day of November 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Kinnear', is written over a horizontal line.

Brian Kinnear, Reg. No. 43,717  
Holland & Hart LLP  
555 17<sup>th</sup> Street, Suite 3200  
P.O. Box 8749  
Denver, Colorado 80401-9749  
Telephone: (303) 295-8170  
Facsimile: (303) 295-8261

## **EXHIBIT 1**

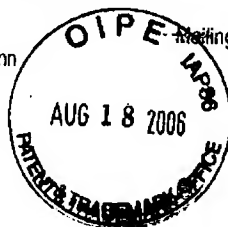
1  
1  
**IP7 Rec'd PCT/PTO 18 AUG 2006**

Applicant: Bridle, Trevor Redvers  
Docket No.: 51886.830001.US0  
Express Mail No.: EV 729188638 US  
Serial No: 10/526,714 Filing Date: 08/26/2003  
Title: Conversion of Sludges and Carbonaceous Materials

Receipt of the following papers is hereby acknowledged by the U.S. Patent and Trademark Office on the date stamped upon receipt:

1. Transmittal Form (1 pg);
2. Cover Letter (1 pg);
3. Declaration - Stefan Skrypski-Mantele (3 pgs); and
4. Postage paid postcard.

By: MSG:mn



Mailing Date of Papers: 8/18/06

47522-0000 7

**Received**  
**PATENT DEPARTMENT**

**AUG 29 2006**

**Preston Gates Ellis**



EV 729188638 US



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Mo. Day		
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Addressee's signature is required. If waiver of signature is requested, it shall be made by the addressee or addressee's agent (if delivery employee knows that addressee can be reached in person) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
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Michelle *thot.g* 949 253 0900  
PRESTON GATES & ELLIS LLP  
1900 MAIN ST STE 600  
IRVINE CA 92614-7319

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PATENT DEPARTMENT

AUG 21 2006

Preston Gates Ellis

*Loek*  
8/21/06

Applicant: Briddle, Trevor Redvers  
Docket No.: 51886.830001.US0  
Express Mail No.: EV 729188638 US  
Serial No: 10/526,714 Filing Date: 08/26/2003  
Title: Conversion of Sludges and Carbonaceous Materials

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2. Cover Letter (1 pg);
3. Declaration - Stefan Skrypski-Mantele (3 pgs); and
4. Postage paid postcard.

Mailing Date of Papers: 8/18/06

By: MSG:mn

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Date Accepted	Scheduled Date of Delivery		Return Receipt Fee \$	Mo. Day			
Mo. Day Year	Month Day		COD Fee \$ Insurance Fee \$	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM	Scheduled Time of Delivery <input type="checkbox"/> Noon <input type="checkbox"/> 3 PM		Total Postage & Fees \$	Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Flat Rate <input type="checkbox"/> or Weight lbs. ozs.	Int'l Alpha Country Code		Acceptance Emp. Initials	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.			
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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

10/526,714

Filing Date

08/26/2003

First Named Inventor

Bridle, Trevor Redvers

Art Unit

Examiner Name

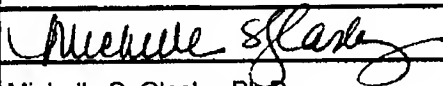
Attorney Docket Number

51886.830001.US0

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Transmittal Letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2. Postage paid postcard.
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<b>Remarks</b>	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Preston Gates & Ellis LLP		
Signature			
Printed name	Michelle S. Glasky, Ph.D.		
Date	8/18/06	Reg. No.	54,124

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	Maria Nadal		
Typed or printed name	Maria Nadal	Date	8/18/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Confirmation No. :**

**Appln. No. :** 10/526,714  
**Applicant :** Briddle, Trevor Redvers  
**Filed :** 08/26/2003  
**TC/A.U. :**  
**Examiner :**  
**Docket No. :** 51886.830001.US0  
**Customer No. :** 45200  
**Title :** Conversion of Sludges and Carbonaceous Materials

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**TRANSMITTAL LETTER**

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P.O. Box 1450  
Alexandria, VA 22313-1450

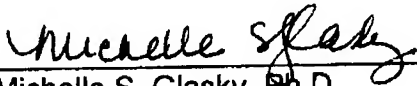
Dear Sir:

The Applicant submits the following Declaration signed by inventor Stefan Skrypski-Mantele in connection with the above-referenced application which is a 371 of PCT International Application No. PCT/AU2003/001099 which was filed in as a national phase application in the U.S. Patent Office.

The Commissioner is authorized to charge any fee which may be required in connection with this filing to deposit account No. 50-3207.

Respectfully submitted,

Dated: 8/18/06

  
Michelle S. Glasky, Ph.D.  
Registration No. 54,124

**CUSTOMER No. 45200**  
**PRESTON GATES & ELLIS, LLP**  
1900 Main Street, Suite 600  
Irvine, California 92614-7319  
Telephone: (949) 253-0900  
Facsimile: (949) 253-0902

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# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration  
Submitted  
With Initial  
Filing

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)Attorney Docket  
Number

First Named Inventor

BRIDLE, TREVOR REDVERS

COMPLETE IF KNOWN

Application Number

PCT/AU2003/001099

Filing Date

08/26/2003

Art Unit

Examiner Name

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Conversion of Sludges and Carbonaceous Materials

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

08/26/2003

as United States Application Number or PCT International

Application Number

PCT/AU2003/001099

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
2002951194	GERMAN	09/04/2002	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	AU		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

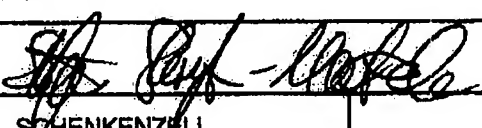
If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to:	<input type="checkbox"/> The address associated with Customer Number:		OR	<input checked="" type="checkbox"/> Correspondence address below
Name Michelle Glasky				
Address Preston Gates & Ellis, LLP 1900 Main Street, Sixth Floor				
City Irvine		State CA	ZIP 92614-7319	
Country USA	Telephone 949-253-0900		Email mglasky@prestongates.com	
<p align="center"><b>WARNING:</b></p> <p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>				
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any]) Trevor Redvers		Family Name or Surname Bridle		
Inventor's Signature			Date	
Residence: City Perth	State Western Australia	Country Australia	Citizenship Australian	
Mailing Address 1B Primrose Street				
City Perth	State Western Australia	Zip 6000	Country Australia	
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the 1 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.				

<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S)</b> Supplemental Sheet
Page <u>1</u> of <u>1</u>	

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
STEFAN		SKRYPISKI-MANTELE	
Inventor's Signature 			Date <u>18.08.2006</u>
Residence: City SCHENKENZELL	State	Country GERMANY	Citizenship GERMAN
Mailing Address ROTHALDESTASSE 39			
City 77773 SCHENKENZELL	State	Zip	Country GERMANY
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

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UNITED STATES PATENT AND TRADEMARK OFFICE

17 OCT 2006

Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
www.uspto.gov

Brian P. Kinnear  
HOLLAND & HART  
555 17<sup>th</sup> Street,  
Suite 3200  
Denver, Colorado 80201

In re Application of:  
BRIDLE, Trevor, Redvers, et al.  
U.S. Application No.: 10/526,714  
PCT No.: PCT/AU2003/001099  
International Filing Date: 26 August 2003  
Priority Date: 04 September 2002  
Attorney's Docket No.: 830001.000  
For: CONVERSION OF SLUDGES AND  
CARBONACEOUS MATERIALS

DECISION

In a decision mailed by this Office on 19 January 2006, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-applicant Stefan SKRYPISKI-MANTELE was dismissed without prejudice for failure to satisfy the requirements of a grantable petition.

On 23 August 2006, this Office received an unsigned facsimile communication from above-named counsel, accompanied by a copy of, among other materials, a declaration executed by the previously non-signing inventor Stefan SKRYPISKI-MANTELE.<sup>1</sup> The 23 August 2006 submission implies that the accompanying declaration was originally filed in the USPTO on 18 August 2006, but a grantable petition to confirm the 18 August 2006 filing has not been submitted, and the application file does not contain any copy of this declaration other than that submitted by facsimile on 23 August 2006.

The decision mailed on 19 January 2006 provided a two-month response period. Pursuant to 37 CFR 1.136(a), this period was extendable for up to five additional months, that is, until 21 August 2006 (19 August 2006 was a Friday). As discussed above, the only response to the previous decision contained in the application file is the 23 August 2006 facsimile.

Based on the above, the present application is **ABANDONED** for failure to file a timely response to the decision mailed 19 January 2006.

If applicants seek withdrawal of the holding of abandonment, a grantable petition confirming the 18 August 2006 filing of the declaration executed by previously non-signing

<sup>1</sup> It is noted that an agent from a different law firm than that listed above executed the transmittal letter accompanying the declaration, and the correspondence address indicated in the declaration is for a law firm, not the above-listed correspondence address of record.

**RECEIVED**

OCT 20 2006

Holland & Hart LLP

inventor Stefan SKRYPSKI-MANTELE must be promptly submitted, accompanied by payment of the five-month extension fee required to make the 18 August 2006 submission a timely response to the 19 January 2006 decision.

In the alternative, if a grantable petition to confirm the 18 August 2006 filing of the executed declaration cannot be submitted (i.e., if such declaration was not timely filed), then applicants might consider filing a petition for revival of the application under 37 CFR 1.137(b).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read 'RM Ross'.

Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296  
Facsimile: (571) 273-0459